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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA,	)	No. CR-06-0149 JSW
	)	
12 Plaintiff,	)	DEFENDANT'S UNOPPOSED MOTION
	)	AND <del>[PROPOSED]</del> ORDER RE:
13 v.	)	DEFENDANT'S PRETRIAL DETENTION
	)	
14 JIMMY MULLINS,	)	
	)	
15 Defendant.	)	
	)	

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17 Defendant Jimmy Mullins is presently in the custody of the United States Marshals  
18 Service at the Glenn E. Dyer Detention Facility in Oakland, California. By oral ruling on June  
19 29, 2006, this Court denied Mr. Mullins's motion to be released on bond pending sentencing on  
20 August 31, 2006.

21 By letter dated May 16, 2006, undersigned counsel requested that the Marshals Service  
22 transfer Mr. Mullins to the San Francisco County Jail at 850 Bryant Street. *See* Cohen Decl. in  
23 Support of Motion re: Pretrial Detention, Ex. A. The basis for this request was Mr. Mullins's  
24 desire to visit with his family before he begins serving his sentence. In particular, Mr. Mullins  
25 wishes to spend time with his grandmother, who is not able to travel to the East Bay.  
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1 Additionally, transfer to San Francisco would greatly facilitate visitation with Mr. Mullins's  
2 newborn child.

3 As of the motion hearing on June 29, 2006, undersigned counsel had received no  
4 response from the Marshals Service to Mr. Mullins's request except for a general assurance from  
5 Supervising Deputy Kelly McGowen that the request would be considered. *See* Cohen Decl. ¶ 3.  
6 As instructed by the Court at the June 29 hearing, undersigned counsel left a voicemail message  
7 for Deputy McGowen on the morning of June 30, 2006 in which he inquired whether there was  
8 any concern on the part of the Marshals Service that would preclude Mr. Mullins's transfer to  
9 850 Bryant. *See id.* ¶ 6. In response, Deputy McGowen left a voicemail message for  
10 undersigned counsel in which she explained that the reason that Mr. Mullins has not been moved  
11 is that the Marshals Service has received many requests from inmates asking to be moved, and  
12 there are "other security priorities ahead of that." *See id.* ¶ 7. Deputy McGowen did not indicate  
13 that security concerns or other considerations preclude Mr. Mullins's transfer. *See id.*

14 Mr. Mullins is sensitive to the many tasks and responsibilities of the Marshals Service.  
15 However, several weeks have elapsed since he tendered his request. Accordingly, he respectfully  
16 requests that the Court enter the attached proposed order directing the Marshals Service

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1 to transfer Mr. Mullins to the San Francisco County Jail at 850 Bryant Street as expeditiously as  
2 possible.

3 The government does not oppose Mr. Mullins's request.

4 Dated: June 30, 2006

5 Respectfully submitted,

6 BARRY J. PORTMAN  
7 Federal Public Defender

8 /S/

9 JOSH COHEN  
Assistant Federal Public Defender

10 **ORDER**

11 Accordingly, and for good cause shown, the United States Marshals Service is hereby  
12 directed to transfer the defendant to the San Francisco County Jail at 850 Bryant Street as  
13 expeditiously as possible, or else show cause in writing why such transfer cannot be  
14 accommodated.

15 IT IS SO ORDERED.

16 Dated: June 30, 2006

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JEFFREY S. WHITE  
18 UNITED STATES DISTRICT JUDGE  
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